

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

In the Matter of the Search of:

No. 21-mr-669

24A Windy Mesa Drive,  
Rock Springs, New Mexico

TELEPHONIC APPLICATION FOR SEARCH WARRANT  
May 5, 2021

PARTIES ON TELEPHONE CALL:

U.S. MAGISTRATE JUDGE B. PAUL BRIONES  
FBI SPECIAL AGENT SEAN CAVE

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO  
MAY 5 2021  
MITCHELL R. ELFERS  
CLERK

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In Re: Oral Warrant for 24A Windy Mesa Drive, Rock Springs, NM

Telephonic Search Warrant

May 05, 2021

1 FBI SPECIAL AGENT CAVE: Sir, the recorder  
2 is on.

3 THE COURT: I understand that the recorder  
4 is on?

5 FBI SPECIAL AGENT CAVE: Yes, sir.

6 THE COURT: My reception seems like it just  
7 went poor. Are you able to hear me?

8 FBI SPECIAL AGENT CAVE: Yes, sir. Are you  
9 able to hear me?

10 Judge Briones, are you able to hear me? I  
11 apologize about the phone going in and out.

12 THE COURT: I can hear you now. Yeah,  
13 something happened. We had good reception until just  
14 now.

15 FBI SPECIAL AGENT CAVE: Well, I can hear  
16 you well, sir.

17 THE COURT: Okay. Go ahead. Do you have  
18 the recorder going?

19 FBI SPECIAL AGENT CAVE: Yes, sir.

20 THE COURT: All right. So let me start by  
21 saying that this is Judge B. Paul Briones, United  
22 States Federal Magistrate Judge. Today is May 5th,  
23 2021.

24 May I have you state your name for the record,  
25 please?

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1 FBI SPECIAL AGENT CAVE: Special Agent Sean  
2 Cave with the FBI.

3 THE COURT: Agent Cave, I understand that  
4 you are seeking an oral search warrant; is that  
5 correct?

6 FBI SPECIAL AGENT CAVE: Yes, sir.

7 THE COURT: If you'll raise your right hand,  
8 please.

9 Do you swear or affirm the statements that you  
10 will give in this application, oral application, will  
11 be true and correct to the best of your knowledge under  
12 penalty of perjury?

13 FBI SPECIAL AGENT CAVE: Yes, sir.

14 THE COURT: All right. So what we're going  
15 to be doing is I'll ask you now to tell me the crime  
16 that you are investigating and your location and just  
17 generally tell me the facts that you are going to  
18 present to establish probable cause. You may begin.

19 FBI SPECIAL AGENT CAVE: Yes, sir. The  
20 crime we're committing is Title 18, Section 1111, open  
21 kind of murder; and Title 18, Section 1153, crimes  
22 committed in Indian Country.

23 Myself and another agent in the Navajo Police  
24 Department responded to a phone call that came in at  
25 about 6:00 PM on May 5th, 2021, of a deceased male in

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1 Rock Springs, New Mexico.

2 Upon arrival, we found a victim identified as a  
3 Darren Watson, deceased, at 22 Windy Mesa Drive. A  
4 review of his body showed wounds consistent with a  
5 stabbing in the chest and legs, such as from a knife;  
6 bruising from blunt-force trauma in his face and torso;  
7 and marks consistent with defensive injuries.

8 Blood-like substances were found around his  
9 body, along the home, and on and underneath the  
10 staircase to the home. The volume of blood was such  
11 that an attacker would have likely become in contact  
12 with the victim's blood on his or her persons and  
13 clothing.

14 We interviewed a neighbor to the victim's  
15 residence and close associate to our victim who stated  
16 that the victim consumed alcohol and was known to party  
17 notably with a neighbor who lived directly behind the  
18 victim's house.

19 We spoke with the victim's brother who informed  
20 us that the victim's aunt, who lives directly behind  
21 the victim, was a known drug user and frequently had  
22 troublesome persons over at her house.

23 The brother further stated that frequently the  
24 brother would have to engage in physical altercations  
25 with these troublesome persons, and on occasion he

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1 would fight with these persons in an effort to remove  
2 them from the home or the property.

3 Following these interviews, agents went to  
4 24A Windy Mesa Drive, which is directly behind the  
5 victim's residence where he was found deceased. We  
6 made a knock at the door, and we received no answer.

7 On inspection, on one of the doors to the  
8 residence, we found a substance on the dead bolt, a  
9 blood-like red substance on the dead bolt. A test kit  
10 was implemented on this substance, and the test kit  
11 indicated that there were blood-like substances present  
12 within this material.

13 It's for these fact patterns that we would -- we  
14 are requesting authorization for a search warrant at  
15 24A Windy Mesa Drive in Rock Springs, New Mexico.

16 We are searching for weapons, knives, bludgeons  
17 and clothing soaked in blood-like substances and photos  
18 at this residence.

19 THE COURT: And is that residence that you  
20 described that you're seeking to search, is that within  
21 Indian Country.

22 FBI SPECIAL AGENT CAVE: I am told that is  
23 within Indian Country, sir.

24 THE COURT: All right. And so I find that  
25 there's probable cause sufficient to establish

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1 probability of murder having occurred and that evidence  
2 will be likely found at the residence that you wish to  
3 search.

4 I'm going to issue to you -- well, I'll issue an  
5 oral warrant. I'm going to ask you to state the  
6 exigent circumstances justifying the need for an oral  
7 warrant, please.

8 FBI SPECIAL AGENT CAVE: Yes, sir. It is to  
9 prevent the opportunity for evidence to be destroyed by  
10 potential subjects and/or neighbors of this residence.

11 THE COURT: All right. I find that the  
12 circumstances to be adequate. So I'll issue that oral  
13 warrant.

14 One other thing I want to establish to make sure  
15 our record is complete. Would you state briefly your  
16 position with the government that would authorize you  
17 to seek a federal warrant?

18 FBI SPECIAL AGENT CAVE: Yes, sir. I'm a  
19 special agent with the FBI and authorized to conduct  
20 search warrants and arrest warrants.

21 THE COURT: All right. So what I'll have  
22 you do is you'll need to prepare a written search  
23 warrant for the property that you described, the  
24 residence.

25 FBI SPECIAL AGENT CAVE: Yes, sir.

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1 THE COURT: To search for the items that you  
2 just stated. And at the bottom of that, there is a  
3 call for a judge's signature. I'm going to direct you  
4 to sign, at my instruction, B. Paul Briones.

5 You are to present to me a copy of the warrant  
6 at your earliest convenience, so I can verify that it's  
7 consistent with this testimony; and also have the  
8 testimony, this oral testimony that you recorded,  
9 transcribed, and you and I both will need to review  
10 that transcription and confirm that it is an adequate  
11 and accurate representation of this conversation. All  
12 right?

13 FBI SPECIAL AGENT CAVE: Yes, sir.

14 THE COURT: Okay. That would conclude the  
15 warrant that I've issued. Is there anything further  
16 that you need at this time, Agent Cave?

17 FBI SPECIAL AGENT CAVE: No, sir.

18 THE COURT: All right. Thank you. You may  
19 stop the recorder.

20 FBI SPECIAL AGENT CAVE: Thank you.

21 [Proceedings concluded.]  
22  
23  
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## REPORTER'S CERTIFICATE

I, Jenifer L. Russin, CCR #182, a Certified Court Reporter, do hereby certify that the proceedings of the above-entitled cause were reported by me stenographically and that the within transcript is a true and accurate transcription of my shorthand notes.

I FURTHER CERTIFY that I am neither an attorney nor counsel for, nor related to or employed by any of the parties to the action, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.



Jenifer L. Russin, CSR RDR CCR  
Certified Court Reporter #182  
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